

Conference Planning



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AGENDA

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INTRODUCTION

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Background

- Army: 1990 – 2003
- ANG: 2003 – present
- Ethics/Fiscal: 2002 – present



CONFERENCE PLANNING



Purpose

Discuss the fiscal and ethics rules regarding the planning of DoD conferences and the latest



Common Issues

- Purpose violations
- Folks contracting for facilities without Contracting shop
- Set up unauthorized bank account to take money in and pay it out
- Soliciting gifts from vendors
- “Sponsorship” by contractors
- Use of contractors to “launder” problems

OOE



General Rules

Expenses

- Appropriated funds may be used to fund necessary expenses of a conference
- Ethics principles - good stewards of government resources.
- Examples – room rental, A/V, computer/network costs, printing, travel, per diem, admin
- We are not the corporate world!!!



Food

- Appropriated Funds may NOT be used to provide free food to government employees
- Government employees on travel orders are provided a per diem allowance designed to offset the cost of meals
- Ethics principles - good stewards of government resources.
- We are not the corporate world!!!





Food – Formal Conference

- Exception to the general rules: NIH
- May provide food and/or light refreshments at “formal conference” if the following three-part test is satisfied:



Food – Formal Conference

- Three-part Test:
 - Meals and refreshments incidental to the conference
 - attendance at the meals and when refreshments are provided is important for the host agency to ensure full participation in essential discussions, lectures, or speeches concerning the purpose of the conference, and
 - the meals and refreshments are part of a formal conference that includes not just the meals and refreshments and discussions, speeches, or other business that may take place when the meals and refreshments are served, but also includes substantial functions occurring separately from when the food is served.



Food – Formal Conference

- Does not authorize payment of meals in connection with internal business meetings or conferences sponsored by government agencies primarily involved with day-to-day activities (“off-sites”)
- Applies to formal conferences sponsored by, of general interest to, or also attended by non-government participants



Food – Formal Conference

- Limitations
 - Attendance MUST be mandatory for ALL attendees
 - Appropriated funds may pay for non-Federal employees who attend conference
 - Attendees must reflect meal on travel voucher (meals can't exceed proportional per diem)
 - Difficult to do “ice-breakers” or breakfast
 - Appearance issues



Army Policy

- HQDA Memorandum dated March 6, 2003
 - “The cost to the Government for light refreshments supplied by conference hosts is often disproportionate to the value received. All officers and employees should be good stewards of the Government’s resources.”
 - Sanity check
- Option – “sharing pizza in the office”



Social Events

- No Authority to Expend Appropriated Funds for Social Events
 - May not be included in a reimbursable conference fee
 - May not be included in a contract
 - No reimbursement on travel voucher
 - May NOT be a mandatory fee



Social Events

- Narrow Exception for non-government sponsored event if meets the three part test
 - Fee must be mandatory
 - Social events must be included in fee
 - Social event must be non-separable from fee



Gifts and Tokens

- Appropriated funds may not be used for a personal expense
- Novelty items (calendars, tote bags, canvas binders) are not an authorized expense. *Expenditures by Department of VA Medical Center, Oklahoma City, OK, B-247563.3, April 5, 1996*



Honoraria

- Payment of fees limited to \$2000 for speakers, lecturers and panelists. DoD Policy Memo dated 3 April 2007
- Policy based on belief that DoD must assure that excessive fees are not paid
 - Excessive honorariums paid in the past
 - Payments evoke criticism from Congress, press and public
 - Inconsistent with policy to reduce costs throughout DOD
 - NGB-JA opinion - modest gift for non-government speaker meets necessary expense test.



Honoraria

- Waivers must be approved by next higher echelon
 - Army – DFAS manual 37-1
 - VCSA, DAS, or AASA, depending on origin, if above \$500
 - Air Force - AFI 65-601, vol 1, para 4.9
 - \$500-\$2000 – MAJCOM/DRU/FOA commanders
 - \$2000 or more – HQ USAF/CVA
 - Policy will change soon IAW OSD memo



Conference Fees

- NIH: Collecting conference fees as government employee and not depositing in general treasury a violation of 31 USC 3302(b) (Miscellaneous Receipts)
- NIH Redux: “Yes, we meant what we said the first time. Shut your cake hole.”
- Congress acts by passing section 1051 of the National Defense Authorization Act for FY07 (codified at 10 U.S.C. 2262)



Conference Fees

- Fees can be credited to the appropriation or account from which the costs of the conference are paid.
- Excess collections deposited as miscellaneous receipts
- Reports required to Congress each year.
 - List of all conferences during preceding two years
 - Estimated DoD costs
 - Actual costs (including conference coordinator)
 - Amount of fees collected
 - Projected number of conferences for the CY



Conference Fees

Details

- May charge individuals and organizations fees to offset costs.
 - Must not give preferential treatment to individuals or organizations that are similarly situated
 - May charge differing rates
 - May invite and charge vendors
 - Must be relevant to conference
 - May not charge tiered fees among vendors
 - No “sponsorship” or special access





Conference Fees

Issues

- Don't-
 - collect more than reasonable estimate of costs
 - give preferential treatment
 - treat conference as co-sponsorship if it isn't
 - sell access or special privileges
 - buy things you could not otherwise buy
- Okay to-
 - Allow program advertising
 - mention independent events



Conference Fees Issues

- Service guidance not yet out
 - Services will implement differently
 - Reimbursable authority required
- More to follow—much more



Training

- Authority to cost-share has always existed for training
- “Training” Has specific definition
- Authorized to share costs
- Must be “government-to-government” transfer (MIPR, GPC)





Co-Sponsorship/ Management

- May still co-sponsor with NFE (although there are fewer reasons to do so)
- May also hold concurrent conference with NFE conference
- May commingle attendees but not funds
- May provide support under JER 3-211



Reviewing Letters of Intent

- LOI is not a contract—makes facilities “feel good”
- Improper Clauses included in standard hotel contracts
 - Indemnification Clauses
 - Cancellation Fees
- If food is included, review carefully
- Complimentary rooms and/or services
 - No authority to provide individuals a free room based on position
 - Use for benefit of entire conference
- May not obligate the government to any expenditure of funds unless signed by a contracting officer



Conclusion

- Conference planning rules closely tied to fiscal law principles
- Area is and will remain dynamic in the near future
- Shifting paradigm
- Remember Ethical considerations as well - stewardship of resources



Questions?

